

INTRADEPARTMENTAL CORRESPONDENCE

May 27, 2020
3.2

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: OFFICER INVOLVED SHOOTING NO. 028-19

Honorable Members:

The following is my review, analysis, and findings for Officer Involved Shooting (OIS), Force Investigation Division (FID) No. 028-19. A Use of Force Review Board (UOFRB) was convened on this matter on May 19, 2020.

In this case, the recommended findings were not unanimous, with a minority opinion rendered regarding the finding for Drawing/Exhibiting. I have carefully weighed each opinion, considered the case in its entirety, and have adopted the recommendation of the UOFRB majority opinion with regard to the Drawing/Exhibiting finding for Officer Sanchez. I hereby submit my findings in accordance with Police Commission policy.

Note: The criminal investigation in this matter was handled by the Corona Police Department (CPD). As a result, FID had limited access to the crime scene and associated evidence until it was completed and processed by CPD. FID investigators were allowed to conduct a walk-through and take positional photographs with Officer Sanchez after CPD processed the crime scene and collected their evidence. Additionally, FID was provided with reports and witness interviews, some having been redacted, CPD Body Worn Video (BWV), and store surveillance videos from the location. FID investigators requested additional documents pertaining to this case; however, the request was denied.

SUMMARY¹

On June 14, 2019, Officer Sanchez was off-duty, and shopping with his spouse, Rosemary Sanchez, and 18-month-old son, Noah Sanchez, after obtaining a store membership at Costco Wholesale Warehouse, located at 480 North McKinley Street in the City of Corona.² At approximately 1945 hours, Officer Sanchez was obtaining a food sample at an Aidells food sample booth from witness Regina Boladian because Noah had become *fussy*. Rosemary had

¹ The summary and the investigation completed by FID for this incident have been provided to the Board of Police Commissioners.

² For purposes of clarity, Rosemary Sanchez and Noah Sanchez will be referred to by their first names throughout the remainder of this report.

RECEIVED
POLICE COMMISSION
2020 MAY 27 PM 3:15

walked to a different section of the store to shop for other items. According to Officer Sanchez, *he held* Noah in his left arm, *close to his chest*, and *gave* Noah a sample.

According to Paola French, her son Kenneth French, and spouse, Russell French, were in the store to shop for groceries and were sampling some food.³ Paola was going to offer Kenneth a sample when Kenneth *suddenly* turned and *slapped the guy on the cheek*.⁴

According to Officer Sanchez, Boladian had a facial expression of *absolute fear* as she looked over his right shoulder and Boladian stated, "Oh my God," which caused him to turn his head to the right. As he did so, Officer Sanchez observed Kenneth with his right arm extended, pointing a *small black compact* firearm approximately an inch from Officer Sanchez' head. Officer Sanchez remembered seeing a *bright flash of white* and *hearing a loud gunshot*. He stated he felt *searing, hot pain* on the right side of his head and then *everything went black*. Officer Sanchez stated that when he regained consciousness, he was on the floor, lying on his back, and Noah was near his right shoulder, screaming and pounding on Officer Sanchez' chest. Officer Sanchez did not know how he fell to the floor and stated he felt *intense pain* on the *right* side of his head, which he described as *absolute heat*. Officer Sanchez stated that his body was *numb and absolutely paralyzed* and that he believed he had been shot. Officer Sanchez estimated he was *unconscious* for *approximately a second*.

According to the FID investigation, while later providing his Public Safety Statement (PSS) to CPD investigators, Officer Sanchez was asked if Kenneth had a weapon. Officer Sanchez stated, "Yes;" however, he was unable to describe it. No witnesses were identified who observed Kenneth with a firearm, nor were there any small black objects recovered near Kenneth. Officer Sanchez' pistol was the only firearm recovered by CPD during their investigation.

Officer R. Slane, ID No. 002279, CPD was the first officer to arrive on scene, followed by Officers S. Hungerford, ID No. 002536, CPD, R. Youngquist, ID No. 003022, CPD, and other arriving first responders.

According to the FID investigation, Officer Sanchez' initial statement to Officer R. Slane was captured by Officer Slane on BWV minutes after the OIS. During that conversation, Officer Sanchez stated he *believed* he had been *shot in the back of the head* but did not mention that he had lost consciousness or that he was paralyzed. There was no record of Officer Sanchez expressing to anyone at scene or to a medical professional that he experienced paralysis during the incident.

Note: During Officer Sanchez' second FID interview, FID investigators asked Officer Sanchez how he was able to feel Noah pounding on his chest if his body was *numb and paralyzed*. Officer Sanchez' initial response was that he did not know; however, upon further questioning by his attorney, Officer Sanchez stated that he felt *petrified and overcome with fear* because he *believed* he *had been shot*. Officer Sanchez further stated he *believed*

³ For purposes of clarity, Russell, Paola, and Kenneth French will be referred to by their first names throughout the remainder of this report.

⁴ The FID investigation determined that Kenneth had struck Officer Sanchez.

the combination of being struck in the head and being overcome with fear is what caused Officer Sanchez to *feel paralyzed*. FID investigators also asked Officer Sanchez how he was able to estimate the length of time he was unconscious. Officer Sanchez stated he did not know, but Officer Sanchez' perception was that he momentarily lost consciousness.

According to the FID investigation, there were no witnesses who reported seeing Officer Sanchez in an unconscious state.

According to Boladian, as she was giving food samples to Officer Sanchez, Boladian observed Paola, Russell, and Kenneth standing to the right of Officer Sanchez. Boladian had just given samples to Paola, Russell, and Kenneth when Kenneth quickly stepped towards Officer Sanchez and *forcefully punched* Officer Sanchez on the right side of his head. Boladian stated Officer Sanchez *dropped* straight down with Noah in his arm and Boladian heard Officer Sanchez state, "Oh, my God, he shot me."

Note: According to the FID investigation, when Boladian was first contacted by Officer Youngquist minutes after the incident occurred, she described Kenneth's action as a "slap."

Witness Samira Shokoor stated she was in an aisle looking for cheese and could see people standing at the sampling booth when she *heard a noise, like a slap*, which got her attention.

Witness Juan Canchon stated he was at the Aidells booth at the time of the incident and standing approximately two to three feet north of Kenneth and *four to five feet* east of Officer Sanchez. Canchon noticed Kenneth *staring* at Officer Sanchez for four to five seconds, while slowly walking toward Officer Sanchez. Kenneth then *lunged* at Officer Sanchez and struck him with a *closed fist* on the right side of Officer Sanchez' head. Canchon stated Officer Sanchez was looking forward at the time and Canchon believed Officer Sanchez never saw Kenneth approach.

According to the FID investigation, Officer Sanchez and Rosemary stated they had no prior contact with Paola, Russell, or Kenneth while inside the store. Additionally, there was no video evidence to suggest that Officer Sanchez had any contact with Kenneth, Paola, or Russell prior to the assault. Canchon and Boladian both stated they did not observe any interaction between Kenneth and Officer Sanchez prior to the assault.

According to Officer Sanchez, he observed Kenneth walking in a *southwest* direction in a nearby food aisle. Officer Sanchez stated there were two shoppers in the aisle with Kenneth, a male (later identified as Russell) and a female (later identified as Paola). Officer Sanchez believed he heard Russell state, "He's crazy. He's sick." Officer Sanchez opined it was stated because "they had just witnessed ... me being shot in the head at point-blank." Officer Sanchez stated that Kenneth was still holding a firearm in his right hand with his right arm extended down to the side and *walked with an absolute mission*. Officer Sanchez stated Kenneth continued to look at him and Noah as they were laying on the floor. Upon perceiving Kenneth was still armed with a firearm, Officer Sanchez used his *left hand* to *lift* his shirt and then used his *right hand* to remove his pistol, which was holstered inside of his right front waistband. Officer Sanchez drew his pistol because he believed Kenneth was a *deadly threat* to both him

and Noah. Officer Sanchez stated he did not identify himself as a police officer, because he did not have time to do so. **(Drawing/Exhibiting and Debriefing Points No. 1 and No. 2)**

Note: During Officer Sanchez' first FID interview, FID investigators asked Officer Sanchez' how he was able to remove his pistol when Officer Sanchez was *numb* and *paralyzed*. Officer Sanchez' stated he did *not know how he was able to overcome it*.

According to the FID investigation, Officer Sanchez' initial statement to CPD personnel was captured on Officer Slane's BWV minutes after the OIS. During that conversation, Officer Sanchez stated he believed he had been shot in the back of the head, but he did not mention that he had lost consciousness or that he was paralyzed. Officer Slane asked Officer Sanchez if he had observed a weapon, Officer Sanchez did not answer and asked to speak with a lawyer. While later providing his PSS to CPD investigators, Officer Sanchez was asked if Kenneth had a firearm. Officer Sanchez said "Yes;" however, he was unable to describe it.

According to the FID investigation, Officer Sanchez did not sustain a gunshot wound during this incident, nor did he sustain any verifiable injury. There was no record of Officer Sanchez expressing to anyone at scene or to a medical professional that he experienced paralysis during the incident. Officer Sanchez' pistol was the only firearm recovered by CPD during their investigation. There were no witnesses identified who observed Kenneth with a firearm, nor were there any objects recovered near Kenneth which resembled a firearm.

According to the FID investigation, during Officer Sanchez' second FID interview, he stated he believed Russell and Paola were at the north end of the aisle where it intersected with the east/west aisle (later identified as the aisle where the Aidells booth was located).

According to the FID investigation, Canchon observed Officer Sanchez lean down to his left and place Noah on the floor after being struck by Kenneth.⁵ As Kenneth took a couple of steps backward, Officer Sanchez rolled forward onto his *left* side and then to his back. Officer Sanchez looked at Kenneth for approximately a second and appeared *stunned*. Canchon observed Kenneth clenching his *fists* while standing approximately *four to five feet* away from Officer Sanchez.

According to the FID investigation, Shokoor stated she heard what sounded like a *slap* and then screaming. When Shokoor turned around, she observed Officer Sanchez *jump on the floor* with his child by his side. Shokoor stated Officer Sanchez, "went on his butt and then he like put his head down...and he just like got in the defensive position." Shokoor added that she believed Officer Sanchez drew his pistol before going to the ground.

According to Officer Sanchez, while Kenneth was in the aisle and in the process of raising his right arm in Officer Sanchez' direction, Kenneth *simultaneously lowered his chin* while looking at Officer Sanchez and Noah. Officer Sanchez described Kenneth's demeanor as having a *face of intensity, focus, and absolutely no fear in his eyes*. As Kenneth continued to raise his right

⁵ Canchon mistakenly believed Officer Sanchez' child was a girl.

arm to an approximate 45-degree angle, Officer Sanchez *believed* that his *life was in danger*, Noah's *life was in danger*, and the *other shoppers* were in *danger*. Officer Sanchez stated he had a *clear view* of Kenneth *in the middle of the aisle, from head-to-toe* at the time Officer Sanchez fired. While lying on his *back*, Officer Sanchez raised his head, and while using a *one-handed* grip, extended his right arm and fired *two shots* towards the *bakery* in a *southern direction* at Kenneth's *center body mass* from a distance of approximately *15 feet*. According to Officer Sanchez, he believed Kenneth was *holding a gun* at the time Officer Sanchez fired. Officer Sanchez experienced *tunnel vision* as Kenneth began to raise his right arm. Officer Sanchez stated his focus then moved to the front sight of his pistol as he aimed at Kenneth's chest. Officer Sanchez stated he *shot to stop the threat*. **(Lethal Use of Force – First Volley and Debriefing Point No. 1)**

Note: The FID investigation determined that Officer Sanchez fired a total of 10 rounds but was unable to determine the sequence of fire. Officer Sanchez fired south towards the meat department. The bakery was located approximately 150 feet east of where the OIS occurred.

During the walk-through with FID investigators, Officer Sanchez placed placards on the ground indicating his location and Kenneth's location at the time Officer Sanchez discharged his pistol. FID investigators measured the distance between the two placards and noted they were approximately 22 feet, four inches apart.

According to the FID investigation, a portion of this incident was captured on Costco's security system. This store's surveillance video does not support Officer Sanchez' assertion that Kenneth walked down the aisle by himself, turned around, and raised a firearm with his right hand.

According to the FID investigation, during Officer Sanchez' walk-through with FID investigators, Officer Sanchez demonstrated Kenneth holding the firearm in a bladed, two-hand low-ready stance. When Officer Sanchez was questioned regarding this discrepancy during his first FID interview, Officer Sanchez stated he did not recall making that characterization.

During Officer Sanchez' second FID interview, he described feeling disoriented and that his vision was "off." Officer Sanchez clarified that he experienced "blurred vision" rather than "tunnel vision," but he was still able to see Kenneth holding a firearm.

According to Canchon, he estimated the distance between Officer Sanchez and Kenneth to be *four to five feet* when Officer Sanchez fired.

According to Officer Sanchez, after he fired his first two rounds, Kenneth fell *in a manner that was still a threat* because Kenneth was *still facing* Officer Sanchez with his *arm still extended outward* and his legs bent towards Kenneth's torso. Officer Sanchez stated that Kenneth still looked at him and Noah with a *concentrated, intense look in his eye*. Kenneth had a *closed fist* and was *holding what Officer Sanchez believed was a gun*. Kenneth *raised his arm* which

Officer Sanchez described as *consistent with him taking a shooting platform*. While still on his back, Officer Sanchez again utilized a *one-handed* shooting grip and fired two additional rounds at Kenneth's chest area from a distance of approximately 15 feet. Officer Sanchez stated that all four rounds of both volleys were fired in a southern direction towards the bakery within *two seconds* and there was a clear view of Kenneth in the aisle. Officer Sanchez also stated that due to the immediate need to take action, he was unable to give Kenneth commands prior to firing his rounds. After firing his last shot, Officer Sanchez stated Kenneth rolled onto his back and then into a "fetal position" on his left side. Kenneth's back was towards Officer Sanchez and his arms were tucked underneath his body. **(Lethal Use of Force – Second Volley and Debriefing Point No. 1)**

Note: According to the FID investigation, Officer Sanchez was not able to account for the six additional rounds he fired. Officer Sanchez stated it was possible he shot more than two times during each of his two volleys and surmised that having been knocked unconscious may have distorted his perception of the total number of rounds that he fired.

In his first interview, Officer Sanchez stated to FID investigators that he conducted an *assessment* after firing each round. In his second FID interview; however, Officer Sanchez believed he assessed between volleys. Officer Sanchez stated he fired all his rounds within two seconds and estimated there was less than one second between his first and second volleys.

According to the FID investigation, Officer Sanchez believed Kenneth was in possession of a firearm throughout the entirety of this incident but stated the last time he saw Kenneth holding a firearm was just prior to Officer Sanchez' firing of his first volley. Officer Sanchez was not able to say definitively that he saw Kenneth holding or pointing a firearm at him when Officer Sanchez fired his additional rounds. According to the FID investigation, the store's surveillance video depicted Kenneth falling on his left side with his back toward Officer Sanchez. Kenneth ended up facedown, and not on his back, as described by Officer Sanchez. Despite Officer Sanchez' assertion that he fired his rounds at Kenneth's chest area, the investigation determined Kenneth was struck twice in the lower back, once to his left buttock, and once to his left triceps area. The Riverside County Coroner's Office documented trajectories indicating that three of the rounds which struck Kenneth traveled from back to front. The gunshot wound to Kenneth's left triceps traveled across and through his chest cavity stopping in front of the right shoulder.

According to Officer Sanchez, he stated that after firing his last round, he loudly pronounced that Kenneth had *just shot* him and that Kenneth, "still had the gun...still had a pistol." Officer Sanchez believed he then heard a male's voice from within the aisle state, "He doesn't have a gun!" Officer Sanchez continued to point his pistol at Kenneth because Officer Sanchez believed Kenneth might still have the firearm tucked underneath him.⁶

⁶ According to witness William Gagnon, he approached Officer Sanchez and asked where the shooter was. Officer Sanchez replied, "He's still got a gun in his hand. He's still got a gun in his hand."

According to the FID investigation, Officer Sanchez broke his “tunnel vision” and observed Russell and Paola lying to the right and left of Kenneth respectively. Both individuals appeared to have been injured and were holding their sides. Officer Sanchez stated he did not know how they were injured, and he did not see either of them in his foreground or background at the time of the OIS. Officer Sanchez did recall, however, that after he fired his last round, Russell moved from the east side of the aisle, towards the center of the aisle in front of Kenneth, and then back to the east side of the aisle. He also recalled seeing Paola move in a northwest direction while screaming, in what he interpreted to be an attempt to exit the aisle.

Note: The FID investigation revealed that Officer Sanchez was captured on Officer Slane’s BWV making the following statement: “Those people (later identified as Russell and Paola), I think that they were probably like -- got in the way. I don’t know.”

According to the FID investigation, when Officer Sanchez drew his pistol, Paola indicated she stepped in front of Kenneth and Russell to prevent them from being shot. Paola believed she was the first one struck by gunfire and that Officer Sanchez continued shooting after she was hit. Boladian believed Officer Sanchez discharged two rounds before Russell and Paola moved into the line of fire.

According to Rosemary, she heard a woman yell, “No, no, no!” Although her vision was blocked by a *cooler*, Rosemary believed she saw an *older woman with gray hair* appearing to *struggle* with someone she could not see. After hearing a female yelling and a *popping noise*, Rosemary started to see people *run* and *knew* something was *happening*, so she ran towards the Aidells booth *screaming* for Noah and Officer Sanchez. Rosemary observed Officer Sanchez lying on his back, holding Noah in his *right arm* and his pistol in his *left hand*. Rosemary said she asked Officer Sanchez what occurred, and he responded with, “It hurts right here on my head and I feel like I’ve been shot.” Rosemary stated that Officer Sanchez told her he felt like he was bleeding, but Rosemary did not check Officer Sanchez for an injury. Rosemary observed Russell on the floor near Kenneth and heard Russell state, “He’s mentally ill.” Rosemary also observed Paola *lying on her back* and *crying*. Rosemary then picked up her son and *ran screaming for help*.⁷

Note: According to Officer Sanchez, he did not recall who had picked up Noah from him. According to the FID investigation, when FID investigators asked Rosemary if she observed any injuries to Officer Sanchez, Rosemary responded that she observed Officer Sanchez look at his hand after touching his head and she saw *little driplets [sic] of blood*. Upon review of the multiple BWVs depicting Officer Sanchez interaction with CPD, blood was not observed on his hands or head, nor did he indicate that he was bleeding after the incident.

⁷ According the FID investigation, there was no indication that Noah was injured during this incident.

According to witness William Gagnon, he approached Officer Sanchez and asked where the shooter was. Officer Sanchez replied, "He's still got a gun in his hand. He's still got a gun in his hand."⁸ Gagnon also heard Russell screaming, "My son's sick! My son's sick!"⁹ Due to Kenneth's position on the floor, Gagnon could not see Kenneth's arms. In an effort to determine whether Kenneth was in possession of a firearm, Gagnon walked toward Kenneth with witness Omar Barraza.¹⁰ As Gagnon approached, he observed Kenneth's body twitching and that Kenneth's breathing was shallow. Gagnon and Barraza rolled Kenneth onto his back and observed blood coming out of his mouth. After determining Kenneth was unarmed, Gagnon attempted to render aid by elevating his feet.

According to Officer Sanchez, as Officer Slane *approached*, Officer Sanchez *remained covering* Kenneth because Officer Sanchez still considered Kenneth to be a threat. When Officer Slane asked what had occurred, Officer Sanchez stated he advised Officer Slane, "That guy just shot me...he still has a gun." Officer Sanchez stated he was then approached by a second *officer with a rifle* who told Officer Sanchez to *give him* Officer Sanchez' pistol. Officer Sanchez said that the officer then reached out with his left hand and Officer Sanchez *handed it over* to the officer. **(Debriefing Point No. 2)**

Note: According to the FID investigation, a review of Officer Slane's BWV captured Officer Slane approaching Officer Sanchez. Officer Slane asked Officer Sanchez if he was injured. Officer Sanchez responded with, "I guess not," and added that he thought he had been shot in the back of his head. When asked by Officer Slane where the shooter was, Officer Sanchez pointed to Kenneth and stated, "That guy." Officer Sanchez did not immediately identify himself to Officer Slane as the shooter or as an off-duty police officer.

The FID investigation also noted that in Officer Slane's BWV, Officer Sanchez was not holding his pistol when he was first approached by Officer Slane. According to Officer Hungerford, he observed the stock of a pistol protruding from Officer Sanchez' right front pants pocket. Officer Hungerford removed Officer Sanchez' pistol and secured it in his own pants pocket.

According to the FID investigation, Officer Slane's BWV captured him questioning Officer Sanchez further regarding what had occurred. Officer Sanchez stated that while holding Noah and waiting to receive a sample, he saw a blast and *felt his head getting knocked out*. Officer Sanchez stated he thought he had been shot and dropped Noah as Officer Sanchez fell to the floor. When Officer Sanchez looked up, he observed Kenneth "hunkered down" in the aisle. Officer Sanchez believed Kenneth was still armed and Officer Sanchez shot him. When Officer Sanchez was asked specifically by Officer Slane if he observed a weapon, Officer Sanchez did not answer the question and advised he would not speak any *further without his lawyer*. Officer Slane continued to question Officer Sanchez and asked him how many rounds he fired and if

⁸ Gagnon's transcribed statement to FID, Page 5, Lines 21 and 22.

⁹ Gagnon's transcribed statement to CPD, Page 21, Lines 6 and 7.

¹⁰ Witness Omar Barraza was another customer inside of the store and has no relationship to witness William Gagnon.

there were any outstanding suspects. Officer Sanchez stated that he did not know the answer to either question. During the same conversation with Officer Slane, Officer Sanchez can be heard on BWV saying “Hey, dude, my head really hurts, dude. My head does hurt.”

Note: According to the FID investigation, in Officer Sanchez’ first FID interview, he stated he observed Kenneth walking with a firearm, turn towards him, and then point the firearm at him. In Officer Sanchez’ second FID interview, he was asked to explain that statement in light of what he originally told Officer Slane that he observed Kenneth “hunkering down” and believed Kenneth was armed, as opposed to actually seeing him with a firearm. Officer Sanchez acknowledged that “hunker down” was a term he used but did not recall saying it when speaking with Officer Slane. He defined the term “hunker down” as someone who is possibly hiding with a weapon or crouching down in a different position. With regard to the specific verbiage he used when first describing to Officer Slane what had occurred, Officer Sanchez stated, “As far as the ...what I saw that day was I saw a gun and I don’t believe that I had enough time to go into a thorough explanation to the officer of what had occurred.” Officer Sanchez added that his recollection of the incident could be off due to the injury he sustained to his head.

According to the FID investigation, Officer Slane’s BWV captured Officer Sanchez lying on the floor directly in front (south) of the Aidells booth and not near the west side of the booth, as Officer Sanchez had demonstrated during his walk-through and described in his administrative interview. When questioned regarding this issue, Officer Sanchez indicated he did not move or change position after falling to the floor and firing his pistol. In examining the impacts to the glass front of the refrigerator case, it seemed improbable Officer Sanchez could have caused both impacts from the position he was in when first approached by Officer Slane. In an effort to resolve this conflict, Officer D. Chou, Serial No. 37776, Investigative Support Unit, FID, utilized CPD’s crime scene measurements and the Department’s mapping software to establish bullet path trajectories for the above impacts.¹¹ The mapping technology showed that both impacts were likely caused by projectiles fired from one location near the west side of the Aidells booth, consistent with where Officer Sanchez placed himself during his walk-through.

According to Captain A. Johansson, Fire Station No. 4, City of Corona Fire Department (CFD), in an *active shooter incident*, CFD personnel grab their gear from the fire station and respond to a staging area in preparation for a *tactical response* as a *rescue task force*. In this incident, they staged until they were cleared by CPD dispatch to enter the location with a *force protection* team. **(Debriefing Point No. 2)**

According to the FID investigation, Officer Slane’s BWV depicted Officer Sanchez rubbing the right side of his head. Several minutes later, Officer Sanchez can be heard telling a firefighter he believed he had been shot and that he lost consciousness.

The FID investigation determined that Kenneth, Russell, and Paola were struck by gunfire during the OIS. A portion of this incident was captured on the store’s surveillance video;

¹¹ Leica Geosystems Cyclone desktop mapping software was utilized by FID to establish the bullet path trajectories.

however, the initial assault by Kenneth on Officer Sanchez was obscured from the camera's view by a storage shed display. The footage also did not capture Officer Sanchez falling to the floor or any of his subsequent actions. According to the FID investigation, what can be determined from this surveillance video is that at approximately 1945:30 hours, Russell was in the process of pushing Kenneth away from the Aidells booth, south into the refrigerated aisle. Paola can then be seen moving in a westerly direction away from the Aidells booth, while bending forward at the waist. Paola appeared to extend her arms outward while looking down toward the area where Officer Sanchez indicated he was lying. At 1945:34 hours, she can be seen falling to the floor, followed immediately by Russell and then Kenneth, who also collapsed. The FID investigation determined that the area in front of the Aidells food sample booth was not visible in the footage. FID investigators were unable to determine if the surveillance video captured the entirety of the OIS, or if it began prior to Russell, Paola, and Kenneth moving into camera view. Based on a review of the store's surveillance video by FID investigators, there appeared to be no obvious reaction by customers as Russell began pushing Kenneth into the refrigerated aisle. However, multiple people can be seen reacting by immediately fleeing the area when Paola fell to the floor.

According to the FID investigation, Officer Sanchez elected not to provide a voluntary statement; however, Officer Sanchez did give a PSS to Detectives L. Larios, ID No. 001110, and G. Painter, ID No. 001383, CPD, while at Corona Regional Medical Center. During his PSS, Officer Sanchez stated that he fired his pistol approximately four times while near the Aidells booth inside the store. Officer Sanchez stated that he fired his rounds down an aisle toward the bakery department, opposite the cash registers. While providing his PSS, Officer Sanchez was asked if Kenneth had a firearm. Officer Sanchez stated "Yes," but he was unable to describe it. Officer Sanchez believed he was shot once during the incident and stated, "I mean, first off I felt like I [sic] fucking blew my head off." Officer Sanchez also stated he did not know if there were other people involved in the shooting.

Note: During Officer Sanchez' first FID interview, he described Kenneth holding a small black compact firearm, similar to a LCP (Ruger) .380 pistol.

During the FID presentation at the UOFRB, FID investigators advised that a search was conducted for a weapon inside of the store and all the shelves were emptied in the vicinity during that search. Additionally, CPD detectives utilized a drone for an overhead view of the crime scene, which depicts the top of the aisles and the shelves. Neither a firearm, nor any object resembling a possible firearm was located in those searches. The FID investigation revealed that Kenneth had no personal property on him at the time of the incident.¹²

¹² As a result of this incident, Officer Sanchez is currently the subject of a personnel complaint investigation with allegations from Paola and Russell French, in addition to Department allegations against Officer Sanchez related to this investigation (CF No. 20-000266).

According to the incident report completed by CPD Officer Slane, he checked Kenneth for a pulse but could not find one. After observing no signs of life, Officer Slane pronounced Kenneth deceased at approximately 1952 hours.

Officer Sanchez, Russell, and Paola were all transported by separate rescue ambulances to local hospitals. Russell and Paola were taken to the Riverside Community Hospital and Officer Sanchez was taken to the Corona Regional Medical Center.¹³

At approximately 2130 hours, while at the Corona Regional Medical Center where Officer Sanchez was being evaluated, Detective Painter contacted the Los Angeles Police Department on Officer Sanchez' behalf and advised Sergeant M. Richardson, Serial No. 26159, Watch Commander, Southwest Patrol Division, of the OIS. Lieutenant C. Merlo, Serial No. 31240, Southwest Patrol Division, responded to Corona Regional Medical Center and monitored Officer Sanchez until relieved by FID investigators. **(Additional Tactical Debrief Topic - Off-Duty Actions and Additional – Department Operations Center Notification)**

Russell sustained a gunshot wound to his right flank, was transported to the Riverside Community Hospital, underwent surgery, and was later released. Russell did not consent to a release of his medical records.

Paola sustained a through and through gunshot wound that entered her lower left abdominal area and exited midline between the buttocks area. Paola was transported to the Riverside Community Hospital, underwent surgery, and was later released. Paola did not consent to a release of her medical records.

According to the FID investigation, Officer Sanchez stated that after he was struck, he sustained severe hearing loss to his right ear, blurred vision, pain to the right side of his head, and loss of consciousness. Officer Sanchez was transported to the Corona Regional Medical.

Note: The FID investigation noted that prior to Officer Sanchez leaving the area of the OIS, Paramedic M. Castillo from American Medical Response, walked with Officer Sanchez for approximately 10 yards to the ambulance. According to Castillo, Officer Sanchez was able to walk without assistance and negotiate his way into the ambulance on his own. Based on his observations, Castillo did not believe Officer Sanchez' balance or gross motor skills were compromised. Once inside the ambulance, Castillo observed Officer Sanchez place his hand on the right side of his head and complain of pain to his head. According to Castillo, Officer Sanchez did not have symptoms indicative of having a concussion. Castillo did; however, note what appeared to be a small, quarter-sized hematoma to the right side of Officer Sanchez' head.

According to the FID investigation, Officer Sanchez was treated by Doctor Paul Batmanis at the Corona Regional Medical Center, who ordered a computed tomography (CT) scan of his head and spine. A review of Officer Sanchez' medical record revealed there was no evidence of acute

¹³ FID investigators attempted to contact Paola and Russell French and their attorney but received no response.

intracranial hemorrhage (*bleeding inside the skull*), extra-axial collection (*a collection of fluid within the skull*), mass effect (*effect of a growing mass*), mid-line shift (*the result of something pushing the brain off its naturally centered position between the left and right hemispheres*), herniation (*the shifting of brain tissue, blood, and cerebrospinal fluid from their normal position inside the skull*), or hydrocephalus (*a condition in which fluid accumulates in the brain, enlarging the head*). The surrounding soft tissues and osseous structures (*bones*) were unremarkable (normal).¹⁴

Note: According to the FID investigation, there was no documentation in Officer Sanchez' medical record that he sustained any trauma to the head or spine. The FID investigation determined that Officer Sanchez did not have any verifiable injuries.

Officer Sanchez was discharged from the hospital on June 15, 2019 at 0032 hours and was prescribed pain and nausea medication to be used as needed. He was medically cleared to return to work, full-duty on June 19, 2019; however, Officer Sanchez was assigned to home following the incident and he was subsequently relieved from duty effectively removing his police powers.¹⁵ Officer Sanchez signed a release authorizing the Department to obtain medical records related to his treatment at Corona Regional Medical Center. He also voluntarily provided a blood sample to FID investigators that was later analyzed and tested negative for the presence of alcohol and narcotics.

According to Officer Sanchez, his long-term injuries include pain to the right side of his head, a stiff neck, increased stuttering issues, and vision that has gotten progressively worse, particularly in his right eye.¹⁶

FINDINGS

Tactics –Administrative Disapproval, Officer Sanchez.

Drawing/Exhibiting – Out of Policy, Administrative Disapproval, Officer Sanchez.

Lethal Use of Force – Out of Policy, Administrative Disapproval, Officer Sanchez.

ANALYSIS¹⁷

Detention

Officer Sanchez was off-duty and shopping with his family at a store. While Officer Sanchez was holding his son and obtaining a food sample at a food vendor's booth, he was struck in an

¹⁴ Corona Regional Medical Center, Medical Record No. CRM993855.

¹⁵ "Full-Duty" is defined as an employee who is able to perform all the essential job functions and duties of a Los Angeles Police Officer without restrictions.

¹⁶ Officer Sanchez' second transcribed statement to FID, Page 59, Lines 5-25, Page 60, Lines 1-21.

¹⁷ The analysis reflects my recommendations as supported by the preponderance of the evidence established by the investigation.

unprovoked attack, resulting in an OIS. While Officer Sanchez did not seek to conduct enforcement activity, he was a victim of a crime.

Tactics

Department policy relative to a Tactical Debrief is: *"The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance."*

Department policy relative to Administrative Disapproval is: *"A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident*

unjustifiably and substantially deviated from approved Department tactical training"
(Los Angeles Police Department Manual, Volume 3, Section 792.05).

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Tactical De-Escalation

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

Tactical De-Escalation Techniques

- **Planning**
- **Assessment**
- **Time**
- **Redeployment and/or Containment**
- **Other Resources**
- **Lines of Communication** (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – Officer Sanchez was off-duty in civilian clothing, armed with his pistol concealed in a holster, and shopping in a store with his family. While obtaining a food sample and holding Noah, Officer Sanchez was struck on the right side of his head in an unprovoked attack, and subsequently became involved in an OIS. The unanticipated attack limited Officer Sanchez'

ability to plan for this incident; however, with regard to planning ahead for a possible off-duty incident, Officer Sanchez stated he had discussed actions to take with Rosemary should such an incident occur. Additionally, Officer Sanchez stated he practiced shooting his off-duty pistol approximately once every six months. Officer Sanchez kept his pistol loaded with Department-approved ammunition and secured it inside of a holster that met the Department's off-duty holster requirements.

Assessment – Officer Sanchez stated that he thought he had been shot in the back of the head, was paralyzed, and lost consciousness. Officer Sanchez did not mention that he had lost consciousness or that he was paralyzed in his initial contact with CPD Officer Slane. There was no record of Officer Sanchez expressing to anyone at scene or to a medical professional that he experienced paralysis. According to the FID investigation, Officer Sanchez did not sustain any verifiable injury during this incident.

Officer Sanchez described seeing, out of his peripheral vision, Kenneth point a black compact firearm approximately one inch from the right side of Officer Sanchez' head; however, none of the identified witnesses observed Kenneth with a firearm or a firearm pointed at Officer Sanchez' head. Additionally, investigating personnel did not locate any evidence of an additional firearm or any object that could be construed as a firearm in their canvassing of the immediate area.

In his assessment, Officer Sanchez stated he believed Kenneth was still holding a firearm in his right hand, with his right arm extended down to his side while in the aisle. Furthermore, he described Kenneth as having stopped, turning to his right, and facing Officer Sanchez. Officer Sanchez stated Kenneth began to raise his right arm in Officer Sanchez' direction, while still holding the firearm. According to the FID investigation, the store's surveillance video did not depict Kenneth walking in the aisle by himself, turning around, and raising his right arm.

Officer Sanchez stated that after he fired his first two rounds, Kenneth fell in a manner that Officer Sanchez assessed was a threat because Kenneth was facing Officer Sanchez with his arm still extended outward. Officer Sanchez stated that Kenneth had closed fists and was holding what Officer Sanchez believed was a firearm. Officer Sanchez described Kenneth taking a shooting platform while raising his right arm. According to the FID investigation, the surveillance video depicted Kenneth initially falling on his left side, with his back towards Officer Sanchez.

Although Officer Sanchez stated Kenneth was in possession of a firearm throughout the entirety of this incident, Officer Sanchez stated the last time he observed Kenneth holding a firearm was prior to Officer Sanchez firing his first volley.

The investigation determined that Officer Sanchez fired a total of 10 rounds. In his first FID interview, Officer Sanchez stated he conducted an assessment after firing each round. In his second FID interview; however, Office Sanchez believed he assessed only between volleys. Officer Sanchez stated he fired all of his rounds within two seconds and estimated there was less than a second between his first and second volleys.

As previously mentioned in his first FID interview, Officer Sanchez stated he experienced tunnel vision and focused through his sights on Kenneth's chest area. In his second FID interview, Officer Sanchez clarified that he had experienced blurred vision rather than tunnel vision, but he was still able to assess that Kenneth was holding a firearm. Officer Sanchez incorrectly assessed that Kenneth was armed with a firearm, which resulted in an OIS. Officer Sanchez stated that he assessed Kenneth to be in possession of a firearm throughout the entirety of this incident. The investigation by CPD and FID did not identify any corroborating evidence or witnesses who observed that Kenneth was in possession of a firearm or object which resembled a firearm.

Time – Due to this incident being an unprovoked attack, the time afforded to Officer Sanchez to plan for such was limited and did not provide him the opportunity to move to a position of cover or gain additional distance from Kenneth prior to the assault. However, after the assault, Officer Sanchez did not take the time to assess his physical condition or his level of injury prior to unholstering his pistol. Officer Sanchez stated that he believed that he had been shot in the back of the head but had no verifiable injury. Assessing that he had not, in fact, been shot would have allowed Officer Sanchez more time and options rather than drawing his firearm and ultimately resorting to the use of lethal force. Officer Sanchez made no attempts to communicate with Kenneth in an effort to de-escalate the incident. Additionally, Kenneth was being pushed away from Officer Sanchez and was not armed. Officer Sanchez did not take the time to correctly assess the incident and to analyze the threat.

Redeployment and/or Containment – It would have been preferable for Officer Sanchez to take a position of cover or concealment to allow him additional time to assess the incident properly and safely secure himself and Noah from further harm. A position of cover would also provide Officer Sanchez with time to consider additional options and mitigate the risk of resorting to the use of lethal force.

Other Resources – Since Officer Sanchez was off-duty, his available resources were limited. Had Officer Sanchez awaited the arrival of the jurisdictional law enforcement agency, he would have benefited from the valuable resource of additional responding personnel who would have assumed investigative responsibility and taken appropriate action, thereby reducing the risk to Officer Sanchez and other persons in the immediate area.

Lines of Communication – Following the unprovoked physical assault by Kenneth, Officer Sanchez did not verbalize to Kenneth to stop his actions, nor did he advise nearby shoppers that an armed person was presenting an immediate safety hazard. Following the OIS, Officer Sanchez focused on his perceived injury and did not exercise control to warn bystanders to avoid the area and keep them away from Kenneth.

As the incident progressed requiring CPD response, Officer Sanchez was noticeably lacking and hesitant in his response to initial responding CPD personnel and failed to communicate essential, pertinent, and relevant public safety information, thereby reducing the ability of CPD officers to respond efficiently in a critical incident. The choice to provide incomplete information also delayed the administering of medical aid to injured victims by CPD personnel who were staged

outside of the store until the location was deemed safe enough to enter. Additionally, Officer Sanchez did not immediately identify himself as an armed, off-duty police officer, in accordance with the Department's guidelines. Officer Sanchez' decision to not identify himself as a police officer after being involved in a significant off-duty incident and OIS, increased his risk for being misidentified as a suspect from the local responding law enforcement agency.

The UOFRB determined, and I concur, that Officer Sanchez did not appropriately utilize the elements of de-escalation and substantially deviated without justification from approved Department tactical training. Officer Sanchez would have benefited from properly assessing his environment and surroundings which would have afforded him additional options rather than resorting to the use of lethal force.

During the review of the incident, the following Debriefing Topics were noted:

Debriefing Point No. 1 Situational Awareness
(Substantial Deviation without Justification – Officer Sanchez)

No matter what patrol strategy is deployed, officers on patrol must rely on their own observation and perception skills. Officers must function as trained observers. Officers on patrol are expected to practice disciplined observation and apply their training and experience to accurately perceive what is occurring or is about to occur.

To an officer, observation means the ability to gather information by noting facts or occurrences with a heightened sense of awareness. While on patrol, officers must use not only their eyes, but all of their senses including hearing, smell, etc., to obtain information from the outside world. Observation can be enhanced by training (knowing what to look for), experience (knowing where and when to look for it), a variety of special tools (e.g., binoculars, night vision scopes, etc. (California Commission on Peace Officer Standards and Training, Revised July 2005, Workbook Correction April 2012, Learning Domain No. 21)

In this case, Officer Sanchez did not take the time to assess his physical condition or his level of injury prior to unholstering his pistol. Officer Sanchez stated that he believed that he had been shot in the back of the head but had no verifiable injury. Assessing that he had not been shot would have allowed Officer Sanchez more time and options rather than drawing his firearm and ultimately resorting to the use of lethal force.

In this incident, Officer Sanchez incorrectly assessed that Kenneth was armed with a firearm, which resulted in an OIS. Officer Sanchez stated that he assessed Kenneth to be in possession of a firearm throughout the entirety of this incident. The investigation by CPD and FID did not identify any corroborating evidence or witnesses who observed that Kenneth was in possession of a firearm or object which resembled a firearm.

The UOFRB acknowledged Officer Sanchez was the victim of an unprovoked attack; however, Officer Sanchez' lack of assessment and the resultant deficient situational awareness caused the UOFRB great concern. The UOFRB noted Officer Sanchez had an obligation to take the time to

assess the situation prior to making the decision to draw and exhibit a firearm inside of a crowded store. While Officer Sanchez stated that he believed he had sustained a gunshot wound to the back of his head, Officer Sanchez did not have any verifiable injury. This mistaken belief was cited by Officer Sanchez as a factor in his decision to draw and exhibit his firearm. Although Officer Sanchez had been struck by Kenneth's hand in some manner, he was obligated to conduct an assessment in order to react appropriately.

The UOFRB noted that Officer Sanchez did not correctly assess the incident and believed that Kenneth was armed with a firearm. Officer Sanchez did not conduct a proper assessment of his background where the incident occurred, which was in a crowded warehouse store on a Friday evening. The UOFRB reviewed all of the evidence that was available, including transcripts from witnesses. The only firearm recovered at the incident was possessed by Officer Sanchez. There were no witnesses who observed Kenneth armed with any firearm or in possession of any object that resembled a firearm.

The UOFRB also noted that Officer Sanchez had sufficient time to assess and consider his tactical options rather than escalate the situation by drawing and discharging his pistol. The UOFRB was concerned that Officer Sanchez did not take more time to analyze the threat. Based on the preponderance of the evidence and Officer Sanchez' inconsistent accounts, the UOFRB determined that Officer Sanchez did not assess the situation accurately. At the time of the OIS, Russell was with Kenneth who was in the process of moving away from Officer Sanchez.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that Officer Sanchez did not properly assess the situation. The UOFRB determined, and I concur, Officer Sanchez' actions unjustifiably and substantially deviated from approved Department tactical training. I will direct this be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 2

Tactical Communication

(Substantial Deviation without Justification – Officer Sanchez)

Officers are trained to work together and function as a team. In order to ensure officer safety and help ensure an appropriate outcome, the primary officers and cover officers must effectively communicate with one another. Appropriate communication involves:

- advising the primary officer of any critical occurrences or safety issues (e.g., movement within the target vehicle, someone approaching outside the primary officer's field of vision, possible crossfire situations, etc.),*
- avoid inappropriate interruptions, and*
- avoid giving directions which conflict with those given by the primary officer. Only one person, usually the primary officer, gives the commands, unless a specific situation calls for another officer to issue a command*

(California Commission on Peace Officers Standards and Training, Learning Domain)

Lines of Communication. Maintaining open lines of communications between officer and communicating effectively with a suspect are critically important when managing a tense or potentially dangerous encounter. Communication between officers can improve decision-making under tense circumstances and increase the effectiveness of coordinated actions. In addition, when a suspect observes that officers are prepared, well organized, professional, and working as a team, he or she may be deterred from attempting to flee, fight, or actively resist. (Use of Force Tactics Directive No. 16 –Tactical De-Escalation Techniques)

Officer Sanchez did not effectively communicate essential and relevant safety information to responding law enforcement personnel. Officer Sanchez did not employ the elements of de-escalation to reduce the intensity of the encounter with Kenneth, nor did he warn bystanders to keep a safe distance from Kenneth.

Operational success is based on the ability of officers to effectively communicate during critical incidents. Officers, when faced with a tactical incident, improve their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution.

As the incident progressed requiring CPD response, Officer Sanchez was noticeably lacking and hesitant in his response to initial responding CPD personnel and failed to communicate pertinent and important public safety information, thereby reducing the ability of CPD officers to respond efficiently and coordinate their actions in a critical incident. This lack of cooperation also hindered other first responders, such as paramedic and fire department personnel.

Officer Sanchez' lack of communication to responding personnel also resulted in the deployment of CPD officers into the store and a tactical search of the location for possible additional suspects. The tactical search of the store unnecessarily utilized CPD resources and also placed them at unnecessary and increased risk of a mishap or accident.

Additionally, Officer Sanchez' choice to provide incomplete information also delayed the response to injured victims by CFD personnel who were staged outside of the store until the location was deemed safe enough to enter. Due to CPD personnel believing this incident was an active shooter event, CFD personnel were kept outside of the store until the tactical situation had stabilized sufficiently to allow CFD personnel into the location. This created a delay of medical treatment being more expeditiously rendered to critically injured persons inside of the store.

Officer Sanchez did not immediately identify himself as an armed, off-duty police officer, in accordance with the Department's guidelines, thereby increasing his risk for being misidentified as a suspect from the local responding law enforcement agency.¹⁸

Following the unprovoked physical assault by Kenneth, Officer Sanchez did not verbalize to Kenneth to stop his actions, nor did he advise nearby shoppers that an armed person was presenting an immediate safety hazard. Subsequent to the OIS, Officer Sanchez focused on his

¹⁸ Los Angeles Police Department Training Bulletin, Volume XLVI, Issue 2, "Off-Duty Actions," August 2017.

perceived injury and did not exercise control to warn bystanders to avoid the area and keep them away from Kenneth for their own safety.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that Officer Sanchez' did not appropriately utilize the elements of de-escalation. Moreover, Officer Sanchez' lack of communication during this incident placed the responding CPD officers at a tactical disadvantage, increased the intensity of the encounter, and endangered the public.

Officer Sanchez is reminded that effective communication of possible tactical concerns to other law enforcement personnel is vital in their ability to react and respond to threats that may arise during a tactical encounter. When faced with a tactical incident, overall safety is improved by an officer's ability to recognize an unsafe situation and work collectively to ensure a successful resolution.

The UOFRB determined, and I concur, Officer Sanchez' actions unjustifiably and substantially deviated from approved Department tactical training. I will direct this be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topic

Off-Duty Actions - Officer Sanchez had just been involved in an off-duty OIS. Officer Sanchez did not notify his command directly that he was involved in a significant off-duty incident in which he discharged his pistol. Officer Sanchez is reminded that officers who are involved in a reportable use of force incident shall notify their supervisor or watch commander without unnecessary delay. I will direct this be a topic of discussion during the Tactical Debrief.

Command and Control

Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.

Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early

considerations of PATROL will assist with the Command and Control process. (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018)

Line Supervision – Defined. A supervisor who has the specific responsibility of issuing directions and orders to designated subordinates shall be considered as having the duty of line supervisor and shall be held accountable for achieving conformance with the directions and orders that he/she issues. (Los Angeles Police Department Manual, Volume 3, Section 135)

Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance. (Los Angeles Police Department, Supervisor's Field Operations Guide, Volume 2, Emergency Operations Guide)

Lieutenant Merlo responded to the Corona Regional Medical Center and monitored Officer Sanchez until he was relieved of that duty by FID investigators. The details of Officer Sanchez' separation and monitoring were recorded on the Watch Commander's Daily Report, dated June 14, 2019.

In reviewing this incident, the actions of Lieutenant Merlo were consistent with Department supervisory training and my expectation of a field supervisor during a critical incident.

Tactical Debrief

In conducting an objective assessment of this case, the UOFRB determined, and I concur, that the tactics utilized by Officer Sanchez tactics substantially, and unjustifiably, deviated from approved Department tactical training, thus requiring a finding of Administrative Disapproval.

Each tactical incident also merits a comprehensive debriefing. In this case, there were areas identified where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

Therefore, I will direct that Officer Sanchez attend a Tactical Debrief and that the specific identified topics be discussed.

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;

- Command and Control; and,
- Lethal Force.

General Training Update (GTU)

Office Sanchez has not yet attended a GTU as he has been assigned to his residence pending the final adjudication of this incident.

Drawing/Exhibiting

Department policy relative to drawing and exhibiting a firearm is: *"An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified."* (Los Angeles Police Department Manual, Volume No. 1, Section 556.80)

According to Officer Sanchez, he observed Kenneth walking in a southwest direction in a nearby food aisle. Officer Sanchez stated there were two shoppers in the aisle with Kenneth, a male (later identified as Russell) and a female (later identified as Paola). Officer Sanchez believed he heard Russell state, "He's crazy. He's sick." Officer Sanchez believed it was stated because "they had just witnessed ... me being shot in the head at point-blank." Officer Sanchez stated that Kenneth was still holding a firearm in his right hand with his right arm extended down to the side and walked with an "absolute mission." Officer Sanchez stated Kenneth continued to look at him and Noah as they were laying on the floor. Upon perceiving Kenneth was still armed with a firearm, Officer Sanchez used his left hand to lift his shirt and then used his right hand to remove his pistol, which was holstered inside of his right front waistband. Officer Sanchez drew his pistol because he believed Kenneth was a deadly threat to both him and Noah. Officer Sanchez stated he did not identify himself as a police officer because he did not have time to do so.

Officer Sanchez recalled,

Southwest... Into the aisle, not away from me, but still in close proximity.¹⁹

I recall two shoppers closer to the frozen aisle section.²⁰

...as he walked and as I was drawing out my weapon, I heard someone yell out, "He's crazy. He's sick." And I remember thinking, yeah, he's crazy and, yes, he's sick. Who would ever shoot their -- who would ever shoot someone while they're holding their little boy at a Costco? And I believe that people said that because they had just witnessed being -- me being shot in the head at point-blank.²¹

¹⁹ Officer Sanchez' first transcribed statement to FID, Page 36, Lines 2, 6-7.

²⁰ Officer Sanchez' first transcribed statement to FID, Page 37, Lines 19-20.

²¹ Officer Sanchez' first transcribed statement to FID, Page 17, Lines 19-25, Page 18, Lines 1-2.

...he walked with an absolute mission – purpose looking down at me, still holding that black, small handgun in his right hand...his body's direction was almost repositioning himself to come back and face me again. During this time, I still believed he was a deadly threat towards me and my son, and at the same time I began to draw my weapon.²²

With my left hand, I lifted up my shirt ever so slightly just so expose the weapon to free it from any clothing. I recall, with my right hand, placing it around the handle of the weapon, and I pulled it out.²³

In this case, the UOFRB conducted a thorough review in evaluating the reasonableness of Officer Sanchez' Drawing/Exhibiting.

The UOFRB majority noted that although the attack on Officer Sanchez by Kenneth was unprovoked, the inconsistencies in Officer Sanchez' statements and the lack of supporting evidence led them to determine that this incident did not support the drawing and exhibiting of a firearm by Officer Sanchez. An officer's statements and explanation of actions merit significant review; however, in this particular case, Officer Sanchez' statements were conflicting, contradictory, and confusing within the two interviews. This caused the UOFRB great concern. This required the UOFRB majority to rely on timelines, witness statements, CPD BWV immediately following the incident, and in-store video to discern what Officer Sanchez did or did not believe at the point he chose to draw and exhibit his pistol.²⁴

The UOFRB majority also noted that Officer Sanchez indicated he was struck hard enough to be rendered unconscious, yet after receiving medical treatment, there was a lack of any substantiated injuries from Kenneth's strike and what Officer Sanchez stated was a subsequent fall to the ground. Officer Sanchez provided a detailed description of his observations of Kenneth's movements after being struck, which were inconsistent with being unconscious. Based on Officer Sanchez' assertion that he was unconscious, had blurred vision, was dizzy, and somehow partially incapacitated, drawing and exhibiting a firearm in that situation would have created a greater vulnerability to both himself and Noah. Officer Sanchez indicated he had suffered a concussion and had received a gunshot wound to the back of his head, which the UOFRB majority noted should cause a person to consider their own ability to properly control and retain a firearm in that situation. The UOFRB majority was critical of Officer Sanchez' claim to have clarity in thought and conversely describe being unclear and possibly unconscious. In addition, the UOFRB majority discussed that Officer Sanchez initially described observing a gun pointed at his head, describing Kenneth's actions in detail, and then after drawing his own pistol, aiming for Kenneth's center body mass. Officer Sanchez later clouded his own statement with doubt when he stated that he experienced blurred vision and disorientation.

²² Officer Sanchez' first transcribed statement to FID, Page 16, Lines 24-25, Page 17, Lines 1-5.

²³ Officer Sanchez' first transcribed statement to FID, Page 35, Lines 5-10.

²⁴ Officer Sanchez is currently the subject of a personnel complaint investigation related to this incident (CF No. 20-000266).

Furthermore, the UOFRB majority considered Officer Sanchez' statement of having heard a blast; however, there was no evidence to support that anyone else at that approximate time also heard a blast. During the UOFRB, FID investigators presented the surveillance video which did not depict other customers in the area reacting in a manner which would suggest that they heard a loud noise prior to Officer Sanchez opening fire. There was no indication of a change of movement or reaction of customers until Paola and Russell fell down to the ground after Officer Sanchez discharged his pistol. The UOFRB majority found Officer Sanchez' lack of forthcoming and unwillingness to divulge essential information, coupled with his general lack of cooperation to the responding CPD personnel to be troubling. The UOFRB majority determined that Officer Sanchez' Drawing/Exhibiting to be Out of Policy.

Note: According to FID investigators, with regard to whether or not witnesses recalled any loud noises prior to the incident, there was no indication of a loud, unexpected noise concurrent with Kenneth's physical assault on Officer Sanchez to which any store customer reacted to on available video.

The UOFRB minority reviewed the same set of facts and came to a different conclusion based on the review of the video, statements, and evidence. The UOFRB minority considered the statements made by Officer Sanchez to FID investigators over the course of two interviews with regard to the diagnosis of his injuries, which included a loss of consciousness, blunt force trauma to the head, and a fall to the ground. In addition, Kenneth had initiated an unprovoked attack on Officer Sanchez that occurred while Officer Sanchez was holding Noah. The UOFRB minority noted the combined evidence of seeing Boladian's facial expression, Officer Sanchez' belief that he was shot in the head and being physically struck hard enough to fall to the ground would cause any reasonable officer to believe he/she may need to draw their weapon for protection. As such, in that particular moment, there was a reasonable belief that the situation may escalate to the point where deadly force may be justified.

Utilizing statements from Officer Sanchez, the UOFRB minority opinion was focused on what Officer Sanchez believed to be of the facts articulated and perceived at the time of the incident. The assessment by Officer Sanchez of his injury resulting in a loss of consciousness due to the attack, when making the decision to draw his firearm, was in accordance with Department policy, specifically the, "Belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified." The UOFRB minority determined that Officer Sanchez was in accordance with the standard set forth of what was determined objectively reasonable and found no evidence that Officer Sanchez substantially deviated from approved Department policy. The UOFRB minority determined Officer Sanchez' Drawing/Exhibiting to be In Policy.

I considered Officer Sanchez' decision to draw his pistol after being struck in an unprovoked manner and closely scrutinized the evidence presented before me. I analyzed Officer Sanchez' varying accounts and inconsistent statements regarding his assessment and articulation of Kenneth holding a weapon, specifically a firearm. This included a review of on scene BWV from CPD officers capturing Officer Sanchez' words contemporaneous to the OIS as well as Officer Sanchez' FID interviews. Officer Sanchez failed to properly assess the situation which

led him to an untenable and unreasonable conclusion to unholster his weapon. Based on the totality of the circumstances and weighing all the available evidence, the UOFRB majority concluded, and I concur, that an officer with similar training and experience as Officer Sanchez, while faced with similar circumstances, would not reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, I find Officer Sanchez' Drawing/Exhibiting to be Out of Policy, Administrative Disapproval.

Use of Force – General²⁵

"It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance*

The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*

²⁵ Special Order No. 4, 2020 – Policy on the Use of Force - Revised, was adopted by the Department on February 5, 2020, after this incident occurred.

- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

Lethal Use of Force

Law enforcement officers are authorized to use deadly force to:

- *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*
- *Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*
- *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury (Los Angeles Police Department Manual, Volume No.1, Section 556.10).*

The reasonableness of an Officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force (Los Angeles Police Department Manual, Volume No.1, Section 556.10).

Officer Sanchez – 9mm, 10 rounds in a southerly direction from an approximate distance of 15 feet.

First Volley (two rounds, according to Officer Sanchez)

Note: The FID investigation determined that Officer Sanchez fired a total of 10 rounds. Investigators from FID were unable to determine the exact sequence of fire.

According to Officer Sanchez, while Kenneth was in the aisle and in the process of raising his right arm in Officer Sanchez' direction, Kenneth simultaneously lowered his chin while looking at Officer Sanchez and Noah. Officer Sanchez described Kenneth's demeanor as having a face of intensity, focus, and absolutely no fear in his eyes. As Kenneth continued to raise his right arm to an approximate 45-degree angle, Officer Sanchez believed that his life was in danger, Noah's life was in danger, and the other shoppers were in danger. Officer Sanchez stated he had a clear view of Kenneth in the middle of the aisle, from head-to-toe at the time Officer Sanchez fired. While lying on his back, Officer Sanchez raised his head, and while using a one-handed grip, extended his right arm and fired two shots towards the bakery in a southern direction at Kenneth's center body mass from a distance of approximately 15 feet. According to Officer Sanchez, he believed Kenneth was holding a gun at the time Officer Sanchez fired. Officer Sanchez experienced tunnel vision as Kenneth began to raise his right arm. Officer Sanchez

stated his focus then moved to the front sight of his pistol as he aimed at Kenneth's chest. Officer Sanchez stated he shot to stop the threat.

Officer Sanchez recalled,

*...and I could see he was increasing his concentration on me. And when he began to lower his chin and raise his arm...*²⁶

*Because it was a face of intensity, focus.*²⁷

*He had absolute no fear in his eyes as he walked. He also—he was also carrying the same black gun that I saw that was pointed towards my head...but he walked with an absolute mission -- purpose looking down at me, still holding that black, small handgun in his right hand...*²⁸

*One-handed*²⁹ *...the right arm coming up and to a 45-degree angle.*³⁰

*towards the bakery in the south—south direction.*³¹

*When he stopped, and he turned his body to face me, my vision went towards my front sight, and he began to raise his right arm towards me and my little boy. I remember also there was other customers within the aisle. And I believed he was going to kill me, my son, and the shoppers that were there. And then I raised my weapon and I fired twice. My front sight was on him. I had a clear view of him from head to toe.*³²

*I was on my back.*³³ *...my arm was extended out...*³⁴

*And then that's when I aimed at his center body mass and I fired two shots.*³⁵

*I'd estimate 15 feet.*³⁶

*I want to clarify that I did see a gun as the -- right before the first volley as it was being raised.*³⁷

²⁶ Officer Sanchez' first transcribed statement to FID, Page 91, Lines 21-24.

²⁷ Officer Sanchez' first transcribed statement to FID, Page 24, Line 7.

²⁸ Officer Sanchez' first transcribed statement to FID, Page 16, Lines 16-19.

²⁹ Officer Sanchez' first transcribed statement to FID, Page 60, Lines 14.

³⁰ Officer Sanchez' first transcribed statement to FID, Page 24, Lines 16-17.

³¹ Officer Sanchez' first transcribed statement to FID, Page 118, lines 8-9.

³² Officer Sanchez' first transcribed statement to FID, Page 17, Lines 5-14.

³³ Officer Sanchez' first transcribed statement to FID, Page 59, Lines 4-5.

³⁴ Officer Sanchez' first transcribed statement to FID, Page 61, Line 5.

³⁵ Officer Sanchez' first transcribed statement to FID, Page 23, Lines 2-3.

³⁶ Officer Sanchez' first transcribed statement to FID, Page 126, Lines 5.

³⁷ Officer Sanchez' first transcribed statement to FID, Page 136, Lines 23-25.

And then my tunnel vision went directly into his chest and my front sight – or my front sight and his center body mass.³⁸

And I shot to stop the threat.³⁹

Second Volley (two rounds, according to Officer Sanchez)

Note: The FID investigation determined that Officer Sanchez fired a total of 10 rounds. Investigators from FID were unable to determine the exact sequence of fire.

According to Officer Sanchez, he stated that after he fired his first two rounds, Kenneth fell in a manner that was still a threat because Kenneth was still facing Officer Sanchez with his arm still extended outward and his legs bent towards Kenneth's torso. Officer Sanchez stated that Kenneth still looked at him and Noah with a concentrated, intense look in his eye. Kenneth had a closed fist and was holding what Officer Sanchez believed was a gun. Kenneth raised his arm which Officer Sanchez described as consistent with him taking a shooting platform. While still on his back, Officer Sanchez again utilized a one-handed shooting grip and fired two additional rounds at Kenneth's chest area from a distance of approximately 15 feet. According to Officer Sanchez, all four rounds of both volleys were fired in a southern direction towards the bakery within two seconds and there was a clear view Kenneth in the aisle. Officer Sanchez also stated that due to the immediate need to take action, he was unable to give Kenneth commands prior to firing his rounds. After firing his last shot, Officer Sanchez stated Kenneth rolled onto his back and then into a "fetal position" on his left side. Kenneth's back was toward Officer Sanchez and his arms were tucked underneath his body.

Officer Sanchez recalled,

He went down after I fired twice. And then he fell in a manner that was still a threat to me and my son and the other Costco shoppers. His arm was still extended outward. He was still facing me. He still had a concentrated, intense look in his eyes, still looking at me and my son. I remember we were face-to-face and his arm was still extended out, and I believe he still had that same gun, and I fired twice more in his direction at him.⁴⁰

That he still had a closed fist, holding what I believe was a gun.⁴¹

Him raising his arm consistent with him taking a shooting platform at me.⁴²

One-handed⁴³ ...I lowered my weapon, I looked down, and I saw he fell in the position that was still presenting a threat towards me with his arm still extended out. ... and I aimed

³⁸ Officer Sanchez' first transcribed statement to FID, Page 137, Lines 1-3.

³⁹ Officer Sanchez' first transcribed statement to FID, Page 18, Lines 7-8.

⁴⁰ Officer Sanchez' first transcribed statement to FID, Page 18, Lines 9-18.

⁴¹ Officer Sanchez' first transcribed statement to FID, Page 121, Lines 4-5.

⁴² Officer Sanchez' first transcribed statement to FID, Page 120, Lines 13-14.

⁴³ Officer Sanchez' first transcribed statement to FID, Page 60, Lines 14.

*again my front sight at his chest, and I fired once. The tunnel vision was still – I could still see his chest and I believe that his arm was still extended outward, and I fired again.*⁴⁴

*Again, 15 feet.*⁴⁵

*Two seconds... towards the bakery in the south—south direction.*⁴⁶

*But what I saw was the suspect and the clear view standing in the middle of the aisle from head to toe clear, and I believe I had a clear shot to stop that threat.*⁴⁷

*No, I couldn't. Again, because it was just immediate.*⁴⁸

*After my second shot from my second set, when he was down and after he made himself into a fetal position away from me and my son, I stopped -- I stopped firing and I continued to cover him.*⁴⁹

*... I believed it was still tucked under the suspect's arms still at that point.*⁵⁰

When Officer Sanchez was asked by FID investigators if there was anyone in front or behind Kenneth when Officer Sanchez fired, Officer Sanchez replied, "No."⁵¹

Note: The FID investigation revealed that Kenneth had no personal property on him at the time of the incident. There were no witnesses who observed Kenneth armed with a firearm or in possession of any object that resembled a firearm. The only firearm recovered at the incident was possessed by Officer Sanchez. Officer Sanchez had no verifiable injuries.

In evaluating Officer Sanchez' use of lethal force, the UOFRB thoroughly examined the evidence and witness statements related this incident. The UOFRB determined that Officer Sanchez' account of the incident had various inconsistencies. Evidence and witness statements did not support Officer Sanchez perception of the incident with regard to the application of lethal force.

The UOFRB acknowledged that based on a preponderance of the evidence, Officer Sanchez was struck by Kenneth without provocation. The UOFRB noted that Officer Sanchez stated he believed he had sustained a gunshot wound to his head. This belief started the series of events which culminated in Officer Sanchez discharging his pistol. Officer Sanchez stated that he fell down to the ground and momentarily lost consciousness and was paralyzed from the injury. These perceptions of Officer Sanchez contributed to Officer Sanchez' belief that the incident was

⁴⁴ Officer Sanchez' first transcribed statement to FID, Page 92, Lines 10-18.

⁴⁵ Officer Sanchez' first transcribed statement to FID, Page 126, Lines 9.

⁴⁶ Officer Sanchez' first transcribed statement to FID, Page 125, Lines 8, Page 118, lines 8-9.

⁴⁷ Officer Sanchez' first transcribed statement to FID, Page 86, Lines 11-14.

⁴⁸ Officer Sanchez' first transcribed statement to FID, Page 47, Lines 1, 8-9.

⁴⁹ Officer Sanchez' first transcribed statement to FID, Page 26, Lines 7-12.

⁵⁰ Officer Sanchez' first transcribed statement to FID, Page 132, Lines 13-14.

⁵¹ Officer Sanchez' first transcribed statement to FID, Page 41, Lines 1-2.

escalating. After the OIS, Officer Sanchez received medical treatment and underwent a series of exams. Officer Sanchez did not have any verifiable injuries. The UOFRB noted that there was no evidence to support Officer Sanchez' belief that he had sustained a significant injury. Of additional concern to the UOFRB was that Officer Sanchez was discovered lying on the ground directly in front (south) of the Aidells booth by Officer Slane. Officer Sanchez remained lying on the ground in that location for a period of time. The FID investigation determined that at least two of Officer Sanchez' rounds were fired from a position near the west side of the Aidells booth, consistent with where Officer Sanchez placed himself during the walk-through. Officer Sanchez stated that he did not move or change position after falling to the floor and firing his pistol. The discrepancy between the two locations was not resolved during the FID investigation and was noted by the UOFRB.

The UOFRB noted that Officer Sanchez believed Kenneth was armed with a firearm. No other witnesses stated they observed Kenneth in possession of a firearm. No objects from Kenneth were recovered during the investigation which resembled a firearm. There were no factors that the UOFRB could identify that supported a basis for what Officer Sanchez stated was a belief that Kenneth was armed with a firearm and had shot Officer Sanchez. During the UOFRB, FID investigators presented that at the approximate time of the OIS, Kenneth was moving down an aisle with Russell, away from Officer Sanchez.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer Sanchez, would not reasonably believe that the suspect's actions presented an imminent threat of death or serious bodily injury and that the use of lethal force would not be objectively reasonable.

Therefore, I find Officer Sanchez' use of lethal force to be Out of Policy, Administrative Disapproval.

Additional/Equipment

Department Operations Center (DOC) Notification – The Watch Commander's Daily Report, dated June 14, 2019, indicated an initial incident notification time by CPD Detective Painter to the Watch Commander of Southwest Patrol Division at 2130 hours. The incident was reported to the DOC at 2235 hours at the direction of Captain D. Shah, Serial No. 34245, Commanding Officer, Southwest Patrol Division. Captain Shah notified the DOC after he was able to verify the details of the incident with additional information from CPD.

Audio/Video Recordings

Digital In-Car Video System (DICVS) – According to CPD, there were 19 DICVS videos from CPD police vehicles that responded to this incident after the OIS and were parked outside of the Costco store. The videos were reviewed by FID investigators.

Body Worn Video (BWV) – According to CPD, there were 23 BWVs from CPD officers that responded to this incident after the OIS. The videos captured various portions of the incident, including statements made after the OIS by Officer Sanchez and witnesses.

Outside Video – The Costco store was equipped with 46 security cameras mounted at various locations inside and outside of the building at the time of this incident. The cameras were labeled based on their location and recorded at 10 frames per second without audio. The only camera found to have captured a portion of this incident was designated “Camera Centers (3)” and was mounted 15 feet above the floor and approximately 150 feet from the Aidells booth.⁵²

Social Media – Social media sites and news organizations were monitored from the date of the incident by FID investigators. This incident was publicized by local news outlets and was discussed by several individuals on various social media posts. Additionally, there were multiple printed news articles related to this incident, as well as post-OIS cell phone videos circulating in the media. FID investigators reviewed all the information and coordinated with CPD investigators to ensure attempts were made to identify and interview all potential witnesses to this incident.

Respectfully,



MICHEL R. MOORE
Chief of Police

Date: 5-27-20

⁵² According to the FID investigation, CPD Detective D. Sailer obtained all the video from Costco’s security system and verified that the time stamps were accurate.

| | | | | |
|---|--------------------------------------|----------------------------|---|-------------------------------|
| Employee (Last Name, First, Middle) Sanchez, Salvador | | Serial No. 41084 | Rank/Class Police Officer II | Incident No. 028-19 |
| Length of Employment 7 years, 1 month | Current Division Southwest | | Time in Current Division 1 year, 4 months | |

| Use of Force Review Board | Chief of Police | Police Commission |
|--|---|--|
| <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval | <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval | <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval |
| <u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <i>MINORITY</i> <input checked="" type="checkbox"/> Out of Policy (Administrative Disapproval) <i>MAJORITY</i> | <u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input checked="" type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input checked="" type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input checked="" type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |
| <u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | <u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) | <u>Unintentional Discharge</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval) |
| <u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | <u>Other Issues</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |

Notes: *S. TORRES #32569* *S. TORRES #32569*

| | |
|---|---------------|
| <u>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</u> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input type="checkbox"/> Employee's Work History Reviewed | Notes: |
|---|---------------|

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.